

04-*6*-0374

(Do Not Write Above This Line)

A RESOLUTION BY

FINANCE/EXECUTIVE COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE CHANGE ORDER NO. 1 FOR CONTRACT NO. FC-7505-02; DEMOLITION SERVICES FOR RUNWAY 10/28-LAND ACQUISITION PHASE II GROUP B, C, AND D PARCELS, WITH NILE, INC., ON BEHALF OF THE CITY OF ATLANTA AND ITS DEPARTMENT OF AVIATION, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY ONE THOUSAND DOLLARS (\$251,000.00), TO BE CHARGED TO AND PAID FROM FUND, ACCOUNT, AND CENTER NUMBER 2H28 574001 R21E050693CH.

ADOPTED BY

MAR 15 2004

☐ CONSENT REFER **COUNCIL**

☐ REGULAR REPORT REFER

☐ ADVERTISE & REFER

☐ 1st ADOPT 2nd READ & REFER

☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred To

*Finance*  
Date *3-18-04*

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

*Debra A. Brown*  
*Paul Smith*  
*Blair Mueller*

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION

☐ 2nd

☐ 1st & 2nd

☐ 3rd

Readings

☒ Consent

☐ V Vote

☒ RC Vote

CERTIFIED

MAR 15 2004

MAR 15 2004

*Paul Smith*  
MUNICIPAL CLERK

MAYOR'S ACTION

MAYOR

**A RESOLUTION BY**

**04-*R*-0374**

**FINANCE/EXECUTIVE COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE CHANGE ORDER NO. 1 FOR CONTRACT NO. FC-7505-02; DEMOLITION SERVICES FOR RUNWAY 10/28-LAND ACQUISITION PHASE II GROUP B, C, AND D PARCELS, WITH NILE, INC., ON BEHALF OF THE CITY OF ATLANTA AND ITS DEPARTMENT OF AVIATION, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY ONE THOUSAND DOLLARS (\$251,000.00), TO BE CHARGED TO AND PAID FROM FUND, ACCOUNT, AND CENTER NUMBER 2H28 574001 R21E050693CH.**

**WHEREAS**, the City of Atlanta (the "City") and Nile, Inc. ("Nile") entered into Contract No. FC-7505-02; Demolition Services for Runway 10/28-Land Acquisition Phase II Group B, C, and D Parcels ("Contract"), at Hartsfield-Jackson Atlanta International Airport, dated April 16, 2003; and

**WHEREAS**, during the prosecution of the work, Nile filed with the City several Requests for Equitable Adjustment of the Contract value alleging, that it was due additional compensation for extended overhead for operators, management, and equipment; attorney's fees; debris removal; lost salvage rights; unbudgeted overtime to meet acceleration requirements, and lost productivity; and

**WHEREAS**, Nile's most recent amendment to its Request for Equitable Adjustment sought \$611,098 in additional compensation concerning its various claim components; and

**WHEREAS**, The City did offer to and participated in a non-binding mediation session with Nile on February 13, 2004; and

**WHEREAS**, at the mediation the City and Nile were able to reach tentative agreement on the terms and conditions, including compensation, of a final settlement of the alleged claims associated with Nile's Request for Equitable Adjustment; and

**WHEREAS**, the Aviation General Manager, the Chief Procurement Officer and the City Attorney believe it is desirable and in the best interests of the City to document this Global Settlement with Nile in the form of a Change Order No. 1 to the Contract in the not to exceed amount of \$251,000.00.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, that the Mayor or her designee is authorized to execute Change Order No. 1 to the Contract with Nile, on behalf of the City and its Department of Aviation, for a total not to exceed amount of \$251,000.00.

**BE IT FURTHER RESOLVED**, that Change Order No. 1 may also contain an adjustment to the Contract value to reflect the deletion of \$37,690 in work scope under the Contract for parcel nos. 404RE, Parcel 405RE, 474RE-477RE, 450RE, 454RE and 455RE and an extension of the Contract completion date through and including September 16, 2003.

**BE IT FURTHER RESOLVED**, that Change Order No. 1 will be charged to and paid for from Fund, Account, and Center Number: 2H28 574001 R21E050693CH.

**BE IT FINALLY RESOLVED**, that Change Order No. 1 will not become binding on the City and the City will incur no liability under it until it has been executed by Nile and the Mayor.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

**ADOPTED** by the Council  
**APPROVED** by the Mayor

March 15, 2004  
March 23, 2004

**BE IT FURTHER RESOLVED**, that Change Order No. 1 will be charged to and paid for from Fund, Account, and Center Number: 2H28 574001 R21E050693CH.

**BE IT FINALLY RESOLVED**, that Change Order No. 1 will not become binding on the City and the City will incur no liability under it until it has been executed by Nile and the Mayor.

**TRANSMITTAL FORM FOR LEGISLATION**

To Mayor's Office: Greg Pridgeon

General Manager's Signature: \_\_\_\_\_

From: Originating Dept. Aviation

Committee of Purview: Fin./Exec.

Committee Meetings: 03/10/04



Contact: Anita Williams 404-530-6600

Committee Deadline: 02/27/04

City Council Meeting: 03/15/04

**CAPTION:**

**A RESOLUTION AUTHORIZING THE MAYOR OR HER  
DESIGNEE TO EXECUTE CHANGE ORDER NO. 1 FOR  
CONTRACT NO. FC-7505-02; DEMOLITION SERVICES FOR  
RUNWAY 10/28-LAND ACQUISITION PHASE II GROUP B, C,  
AND D PARCELS, WITH NILE, INC., ON BEHALF OF THE CITY  
OF ATLANTA AND ITS DEPARTMENT OF AVIATION, IN AN  
AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY ONE  
THOUSAND DOLLARS (\$251,000.00), TO BE CHARGED TO AND  
PAID FROM FUND, ACCOUNT, AND CENTER NUMBER 2H28  
574001 R21E050693CH.**

**BACKGROUND/DISCUSSION:**

During the prosecution of the contracted work, Nile filed with the City several Requests for Equitable Adjustment of the Contract value alleging, that it was due additional compensation for extended overhead for operators, management, and equipment; attorney's fees; debris removal; lost salvage rights; unbudgeted overtime to meet acceleration requirements, and lost productivity. This paper authorizes a global settlement agreement between the City of Atlanta and Nile, Inc.

**FINANCIAL IMPACT: \$251,000.00**

**SOURCE: Airport Bond Funds**

Mayor's Staff Only:

Received by Mayor's Office: \_\_\_\_\_

Reviewed: \_\_\_\_\_

Submitted to Council: \_\_\_\_\_

(date)

(initials) (date)

Action by Committee: \_\_\_\_\_ Approved \_\_\_\_\_ Adversed \_\_\_\_\_ Held

\_\_\_\_\_ Amended \_\_\_\_\_ Substitute \_\_\_\_\_ Referred \_\_\_\_\_ Other